

REMARKS

Claims 1-14 are now pending. By this Amendment, claims 1, 2, 3, 9, and 10 are amended and claims 11-14 are added.

Claim 1 is amended to recite "a stacking adaptor plate for releasable engagement with the container portion," with support found, e.g., in the first full paragraph on page 6 of the specification. Claim 1 is further amended to recite "the stacking adaptor plate," to correct antecedent basis to "a stacking adaptor plate" found in the preceding line. By correcting antecedent basis, the latter amendment more particularly points out and distinctly claims the subject matter regarded by Applicant as the invention. Applicant submits that correcting for proper antecedent basis does not narrow the scope of claim 1.

Claim 2 is amended to recite "The wafer container system of claim 1" in lieu of "The wafer container system of claim one." The foregoing amendment to claim 2, conforms claim 2 to proper format and does not narrow the scope thereof.

Claim 3 is amended to depend from claim 2, rather than claim 1.

Claim 9 is amended to recite "at least one of said legs" in place of "one leg at each of" to more particularly point out and distinctly claim the subject matter regarded by Applicant as the invention. Applicant submits that the foregoing amendment broadens the scope of claim 9.

Claim 10 is amended to recite "a stacking adaptor plate," thereby providing antecedent basis to "the stacking adaptor plate" recited subsequently in claim 10. Claim 10 is further amended to recite "another part of said kinematic coupling" to distinguish the recited limitation from "one part of kinematic coupling" recited previously in claim 10. Claim 10 is still further amended to recite "a plurality of said pairs of said wafer containers" to provide antecedent basis for "each said adjacent pair of wafer containers" subsequently recited (by amendment) in claim 10. Each of the amendments to claim 10 corrects antecedent basis, thereby more particularly pointing out and distinctly claiming the subject matter regarded by Applicant as the invention, and does not narrow the scope thereof.

New claims 11-12 disclose an actual stack of wafer carriers utilizing the stacking plate as disclosed herein. New claims 13-14 disclose the method of stacking utilizing the stacking adaptor plate as disclosed herein.

Care has been taken to not add new matter by the foregoing amendments.

Claim Objections

The Office Action objected to claims 2, 9, and 10. The Office Action objected to claim 2 requiring use of an alpha-numeric "1" in lieu of "one" originally recited. Claim 2 has been amended to recite alpha-numeric 1 as required. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this objection.

The Office Action objected to claim 9 asserting improper grammatical construction, viz, "with one leg each of one of the at least three rounded projections." Claim 9 has been amended to recite "at least one of said legs" in place of the foregoing limitation and the Examiner is respectfully requested to reconsider and withdraw the objection.

The Office Action objected to claim 10 asserting improper grammar or improper punctuation connector "kinematic" in lines 4 and 5 and with respect to the word "coupling." A comma has been placed after "kinematic" in lines 4 and 5. Hence, the Examiner is respectfully requested to reconsider and withdraw the objection.

35 U.S.C. § 112

The Office Action rejected claims 1-3 and 10 under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter regarded by Applicant as the invention.

With respect to claim 1, the rejection asserted that the limitation "the stacking adapter" in line 8 had insufficient antecedent basis. Claim 1 is now amended to recite "the stacking adapter plate," which has antecedent basis in the preceding line.

Pertaining to claim 3, the Office Action asserts insufficient antecedent basis for "the at least three rounded projections" in lines 1 and 2. Claim 3 has been amended to depend from claim 2, which provides proper antecedent basis for the foregoing limitation.

Regarding claim 10, the rejection asserts insufficient antecedent basis for "the adapter plate" in line 5. Claim 10 has been amended to recite "a stacking adapter plate" in line 3, thereby providing antecedent basis to this limitation recited in line 5. The rejection also asserted that the limitation "each adjacent pair" in line 7 lacked antecedent basis. Claim 10 has been amended to recite "a plurality of pairs of said wafer containers." Applicant submits that the limitation "each said adjacent pair of wafer containers" recited subsequently now has sufficient antecedent basis. Finally, the rejection asserts that claim 10 is further indefinite because the phrase "two parts of kinematic coupling" is not definite enough to refer back to one part and cooperating part of the kinematic coupling. Applicant has amended claim 10 to recite "one part of a kinematic coupling" and "another part of said kinematic coupling." Applicant submits that the term "two parts" refers to the "one part of a kinematic coupling" and "another part of said kinematic." Applicant thus feels that the foregoing limitation is longer indefinite in view of these amendments.

Claim 2 is not specifically addressed as being indefinite, but depends from claim 1. Because claim 1 is submitted to no longer be indefinite, claim 2 is submitted to no longer be indefinite as well.

Applicant respectfully submits that claims 1-3 and 10 are longer indefinite in view of the foregoing amendments and requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 102(e)

Claims 1, 3, 4, 6, and 8-10 are rejected in the Office Action under 35 U.S.C. § 102(e) as anticipated by US Patent 6,382,419 ("Fujimori"). Applicant respectfully traverses this rejection. However, in order to advance the prosecution of this Application, claim 1 is being amended to

recite a "releasable engagement." Applicant respectfully submits that Fujimori neither discloses nor suggests this limitation and that claim 1 is not anticipated by Fujimori. To the contrary, Fujimori discloses a bottom plate fixed to the bottom surface of the box body. See Fujimori, column 5, lines 14-15; column 6, lines 40-41.

Regarding claim 4, the bottom plate is fixed to the bottom surface of the box body of Fujimori. By contrast, pending claim 4 recites "the stacking adapter plate adapted to fit on the top of the wafer container." Because the present stacking adapter plate is not fixed to the bottom surface of the present container portion, claim 4 is not anticipated by Fujimori.

With respect to claim 6, Fujimori discloses a bottom plate fixed to the bottom surface of the box body as shown above. Claim 6, however, recites "an adapter plate conformed to engage with the top of the wafer container." As seen above, Fujimori fails to disclose or suggest this claim limitation. Therefore, Applicant respectfully submits that Fujimori does not anticipate claim 6.

Pending claim 10 recites "a stacking adapter plate at the top of the wafer container. As seen above, Fujimori fails to disclose or suggest this limitation. Therefore, Applicant respectfully submits that claim 10 is not anticipated by Fujimori. Applicant respectfully notes the commentary pertaining to claim 10 in the Office Action, the commentary suggesting rotating the container of Fujimori so that the top becomes the bottom. In the present context, Applicant respectfully submits that this is an improper suggestion. In the absence of a showing that rotation would not affect the utility of the wafer container box of Fujimori, such a rotation is improper. Indeed, Applicant submits that the Office Action cannot improperly and arbitrarily ignore the limitations or reorient the wafer container box of Fujimori in order to attempt to read a limitation into a patent disclosure.

Claim 3 depends from claim 1. Because Applicant has shown that claim 1 is not anticipated by Fujimori, Applicant submits that claim 3 is not anticipated as well. Claims 8 and 9 depend from claim 6. Applicant has shown that claim 6 is not anticipated by Fujimori; therefore, claims 8 and 9 are submitted as not being anticipated by Fujimori.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 4-9 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 6,006,919 ("Betsuyaku"). Applicant respectfully traverses this rejection. Applicant first notes the improper suggestion to invert the stacking adapter plate in the Office Action. As seen above, an anticipation rejection cannot ignore, or otherwise disregard, a claim limitation. To this end, claim 4 recites the "the stacking adapter plate adapted to fit on the top of the wafer container." Betsuyaku fails to disclose or suggest this claim limitation. Therefore, Applicant respectfully submits that claim 4 is not anticipated by Betsuyaku. Claim 6 recites "an adapter plate conformed to engage with the top of the wafer container." Betsuyaku is submitted by Applicant to neither disclose nor suggest this claim limitation. Hence, Applicant respectfully submits that Betsuyaku does not anticipate claim 6. The other rejected claims depend from claims 4 or 6. Therefore, Applicant feels that the other rejected claims are not anticipated by Betsuyaku and requests reconsideration and withdrawal of this rejection.

35 U.S.C. § 103

Claim 2 is rejected under 35 U.S.C. § 103(a) as obvious over Fujimori in view of Betsuyaku. Initially and as shown above, Applicant respectfully submits that Fujimori and Betsuyaku, singly or in combination, fails to disclose or suggest all the limitations of claim 1. Because Fujimori and Betsuyaku fail to disclose all the limitations of claim 1, claim 2 (depending from claim 1) cannot be obvious over this combination of documents. Applicant further notes that the Office Action rejection fails to assert any motivation for combining the disclosures of a Fujimori and Betsuyaku. See generally M.P.E.P. § 2143.01 (Suggestion or Motivation to Modify the References). Because Fujimori and Betsuyaku, singly or in combination, fail to disclose all limitations of claim 2, and because a proper motivation for combining Fujimori and Betsuyaku is not present in these documents or is asserted in the Office Action, a prima facie case of obviousness has not been established with respect to claim 2. In

view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Explanation of Changes within Replacement Figure 1

Figure 1 is amended to recite "Prior Art." Basis for the amendment to Figure 1 can be found, e.g., in the first sentence of page 5. No new matter has been added by the amendment to Figure 1.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Douglas J. Christensen
Registration No. 35,480

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-3001